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इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह अलग संकलन के रूप में रखा जा सके ।
Separate paging is given to this Part in order that it may be filed as a separate compilation

LOK SABHA

The following Bills were introduced in Lok Sabha on the 15th April, 1986:—

BILL NO. 43 OF 1986

A Bill to repeal the Coal Mines Labour Welfare Fund Act, 1947 and to provide for certain matters incidental thereto.

BE it enacted by Parliament in the Thirty-seventh Year of the Republic of India as follows:—

Short title and commencement.

1. (*1*) This Act may be called the Coal Mines Labour Welfare Fund (Repeal) Act, 1986.

(*2*) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

Definitions.

2. In this Act, unless the context otherwise requires,—

(*a*) "the Act" means the Coal Mines Labour Welfare Fund Act, 1947; 32 of 1947.

(*b*) "appointed day" means the date on which this Act comes into force;

(*c*) "Housing Board" means the Coal Mines Labour Housing Board constituted under section 6 of the Act.

Repeal of Act 32 of 1947 and dissolution of Housing Board.

3. On the appointed day, the Coal Mines Labour Welfare Fund Act, 1947 shall stand repealed, and the Coal Mines Labour Housing Board shall stand dissolved.

Consequential provisions

4. On the dissolution of the Housing Board,—

(*a*) all rights and privileges of the Housing Board shall become the rights and privileges, respectively, of the Central Government;

(*b*) all properties, movable and immovable, including cash balances, reserve funds, investments and moneys lying to the credit of the Housing Board and all rights and interests in, or arising out of, such properties as were immediately before the appointed day, in the ownership, possession, power or control of the Housing Board, and all books of account, registers and records and all other documents of whatever nature relating thereto, shall vest in the Central Government;

(*c*) all borrowings, liabilities and obligations of the Housing Board of whatever kind and subsisting immediately before the appointed day, shall be deemed on and from such day to be the borrowings, liabilities and obligations, as the case may be, of the Central Government;

(*d*) all contracts entered into, and all matters and things engaged to be done by, with or for, the Housing Board and subsisting immediately before the appointed day shall be deemed, on and from such day to have been entered into or engaged to be done by, with or for, the Central Government;

(*e*) all licences and permits granted to the Housing Board and in force immediately before the appointed day shall be deemed on and from such day to have been granted to the Central Government and shall have effect accordingly.

Power of Central Government to direct vesting of rights in a Government company.

5. Notwithstanding anything contained in section 4, the Central Government may, if it is satisfied that a Government company is willing to comply, or has complied, with such terms and conditions as that Government may think fit to impose, direct, by an order in writing, that the right, title and interest of the Housing Board in relation to any property shall, instead of continuing to vest in it, vest in the Government company (hereinafter referred to as the Government company) either on the date of publication of the direction or on such earlier or later date (not being a date earlier than the appointed day) as may be specified in the direction, and on such vesting, the liability or obligation, as the case may be, of the Housing Board, in relation to such property shall, instead of continuing to be the liability or obligation of the Central Government, become the liability or obligation, as the case may be, of the Government company.

Continuation of suits, etc., against Central Government.

6. (*1*) If, on the appointed day, any suit, appeal or other proceeding of whatever nature in relation to the Housing Board is pending by or against such Board, the same shall not abate, be discontinued or by in any way prejudicially affected by reason of the dissolution of the Housing Board; but the suit, appeal or other proceeding may be continued prosecuted and enforced by or against the Central Government or the Government company, as the case may be.

(2) Where, before the appointed day, any cause of action for any suit or proceeding or any right to appeal arose in favour of, or against, the Housing Board, and the institution of any suit or proceeding on such cause of action or the filing of such appeal was not barred before the appointed day, such suit or proceeding may be instituted or appeal may be filed by or against the Central Government or the Government company, as the case may be.

Moneys, etc., of the Fund to be credited to the Consolidated Fund of India.

7. On the appointed day, all moneys and cash balances lying in the credit of the housing account and the general welfare account of the Coal Mines Labour Housing and General Welfare Fund constituted under section 4 of the Act, shall become part of, and be credited to, the Consolidated Fund of India.

Collection and payment of arrears of duty.

8. Notwithstanding the repeal of the Act, the proceeds of duty levied before the appointed day under section 3 of the Act,—

(*i*) if collected by the collecting agencies but not paid into the Reserve Bank of India; and

(*ii*) if not collected by the collecting agencies,

shall be paid or, as the case may be, collected and paid into, the Reserve Bank of India for being credited to the Consolidated Fund of India.

STATEMENT OF OBJECTS AND REASONS

The Coal Mines Labour Welfare Fund Act, 1947 was enacted in the year 1947 when the coal mines were almost entirely in the private sector. It principally provides for the levy and collection of a duty of excise as a cess, on all despatches of coal and coke and for utilising the proceeds of the cess for the welfare of the labour employed in the coal mining industry by providing housing, water supply, medical, educational, recreational and transport facilities. The proceeds of the cess constituted a Fund called the Coal Mines Labour Housing and General Welfare Fund which is apportioned under two separate accounts, namely, the housing account and the general welfare account. The Act also provide for the constitution of a Coal Mines Labour Housing Board to prepare and carry out schemes financed from the housing account and other works to be financed from the general welfare account of the Fund.

2. Raising funds through a cess for various measures of labour welfare under the Act was conceived when the coal mines were in the private sector and the private sector did not attach much importance to the welfare of miners.

3. With the nationalisation of the coal industry in 1973, the context has materially changed and the coal companies in the public sector have assumed responsibility for looking after the welfare of their employees. It is, therefore, proposed to repeal the Coal Mines Labour Welfare Fund Act, 1947 and thereby to abolish the levy of cess under the Act. Consequent on such repeal, it is also proposed to dissolve the Housing Board established under section 6 of that Act. On such dissolution of the Housing Board, it is also proposed to vest all the assets, rights, liabilities, obligations, etc., of the Housing Board in the Central Government and further to empower the Central Government to vest such assets, rights, liabilities, obligations, etc., in a Government company.

4. The Bill seeks to achieve the above objects.

NEW DELHI; VASANT SATHE.
The 11th March, 1986.

PRESIDENTS RECOMMENDATION UNDER ARTICLE 117 OF THE CONSTITUTION OF INDIA

[Copy of letter No. 11021/1/85-CSW, dated the 24th March, 1986 from Shri Vasant Sathe, Minister of Energy to the Secretary-General, Lok Sabha.]

The President of India, having been informed of the subject matter of the Bill to provide for the repeal of the Coal Mines Labour Welfare Fund Act, 1947 and for matters connected therewith, recommends the introduction of the Bill in Lok Sabha under article 117(1) of the Constitution of India.

BILL NO. 42 OF 1986

A Bill further to amend the Tea Act, 1953.

BE it enacted by Parliament in the Thirty-seventh Year of the Republic of India as follows:—

Short title and commencement.

1. (*1*) This Act may be called the Tea (Amendment) Act, 1986.

(*2*) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

Amendment of section 25.

29 of 1953.

2. In section 25 of the Tea Act, 1953 (hereinafter referred to as the principal Act), in sub-section (*1*),—

(*a*) in the opening paragraph, for the words "at the rate of four paise per kilogram", the words "at such rate not exceeding fifty paise per kilogram as the Central Government may, by notification in the Official Gazette, fix" shall be substituted;

(*b*) for the proviso, the following proviso shall be substituted, namely:—

"Provided that different rates may be fixed for different varieties or grades of tea having regard to the location of, and the climatic conditions prevailing in the tea estates or gardens producing such varieties or grades of tea and any other circumstances applicable to such production.".

Insertion of new section 28A .

3. After section 28 of the principal Act, the following section shall be inserted, namely:—

Writing off of losses.

"28A. Subject to such conditions as may be specified by the Central Government, where the Board is of opinion that any amount due to, or any loss, whether of money or of property, incurred by, the Board is irrecoverable, the Board may, with the previous approval of the Central Government, sanction the writing off finally of the said amount or loss:

Provided that no such approval of the Central Government shall be necessary where such irrecoverable amount or loss does not exceed in any individual case and in the aggregate in any year such amounts as may be prescribed.".

Amendment of section 49.

4. In section 49 of the principal Act, in sub-section (2), after clause (*j*), the following clause shall be inserted, namely:—

"(*ja*) the amounts for the purposes of the proviso to section 28A;

STATEMENT OF OBJECTS AND REASONS

Under section 25 of the Tea Act, 1953 (29 of 1953), the Central Government is empowered to levy and collect as a cess, a duty of excise on all tea produced in India at the rate of four paise per kilogram. The Central Government is, however, empowered to fix a higher rate of cess not exceeding 8.8 paise per kilogram. The present rate of cess of eight paise per kilogram was made effective from August, 1978. Although, this rate is almost at the maximum rate allowed under the Act, the amount of cess collected has become insufficient to meet the expenditure of the various developmental and other activities of the Tea Board. The gap between the proceeds from the cess and the actual expenditure of the Tea Board is likely to when further in view of the higher level of expenditure envisaged in the Seventh Plan. The ceiling of 8.8 paise per kilogram, therefor, needs to be revised. It is, accordingly, proposed to amend section 25 of the Act for proviing higher ceiling of levy of cess at a rate not exceeding fifty paise per kilogram as the Central Government may, from time to time, fix by notification. It is also proposed to empower the Central Government to fix different rates for different varieties and grades of tea having regard to the geographical, climatic and other circumstances relating to the production of the different varieties and grades of tea.

2. Opportunity is being availed of to include, in pursuance of the recommendations of the Committee on Subordinate Legislation of the Lok Sabha, an express provision in the Act relating to the powers of the Tea Board to write off losses as irrecoverable.

3. The Bill seeks to achieve the aforesaid objects.

NEW DELHI;
The 7th April, 1986.

P. SHIV SHANKER.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 4 of the Bill seeks to insert a new clause (*ja*) in sub-section (2) of section 49 of the Tea Act, 1953, so as to empower the Central Government to prescribe by rules the procedure to be followed in writing off losses and waiving recoveries under new section 28A.

2. The matters with respect to which the Central Government would make rules under the new clause are matters in respect of which it is not practicable to make express provision in the legislation itself. The delegation of legislative power is thus normal in character.

SUBHASH C. KASHYAP,
Secretary-General.

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